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## MEMO ENDORSED

June 12, 2023

**BY ECF**

Honorable Edgardo Ramos  
United States District Judge  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, New York 10007

Defendants' application to stay discovery is granted. Defendants are directed to file a status report by July 13, 2023. The case management conference scheduled for June 16, 2023 is adjourned. SO ORDERED.

Edgardo Ramos, U.S.D.J.

Dated: June 13, 2023

New York, New York

Re: Gabino Genao v. City of New York, et al.,  
20 Civ. 8731 (ER)

Your Honor:

I represent defendants City of New York, Kyreema McLain-Daniels, Jamell Moore, and Justin Andrews (the "City defendants") in the above-referenced matter. The City defendants write to respectfully request a stay of discovery until certain medical issues plaintiff is experiencing resolve such that he is able to fully and accurately testify at a deposition. Counsel for plaintiff and co-defendants Lopez and Potter consent to this request.

By way of background, a pre-motion conference was held on March 16, 2023, during which the Court extended the close of discovery to June 16, 2023 (See Docket Entry Dated March 16, 2023). The parties have completed the bulk of discovery, however, during the process of scheduling plaintiff's deposition I learned that plaintiff has been experiencing symptoms that prevent him from giving full and accurate deposition testimony. At least two of plaintiff's pending lawsuits—including one before Your Honor—are essentially stayed due to this issue. See 20 Civ. 8721 (ER) (ECF Nos. 113-118); 20 Civ. 6507 (PGG) (SLC) (ECF Nos. 149-153). On June 8, 2023, the Assistant Corporation Counsel representing the municipal defendants in the 20 Civ. 8721 matter conferred with plaintiff (who is proceeding *pro se* in that matter), and plaintiff indicated that his symptoms persist to date, that he is anticipating future treatment, and that he is currently housed in a medical unit with limited access to documents relating to his lawsuits. A request to continue the stay in that matter was filed today (ECF No. 122).

Accordingly, the City defendants respectfully request that the Court stay discovery in this matter until plaintiff is able to sit for a deposition, and direct plaintiff's counsel to update the Court and counsel upon resolution of plaintiff's symptoms or by a date certain, whichever is sooner.

Thank you for your time and consideration.

Respectfully submitted,

/s/ Zachary Kalmbach

Zachary Kalmbach

*Assistant Corporation Counsel*

Special Federal Litigation Division

cc: **Via ECF**

All counsel of record